

REMARKS

This is a full and timely response to the final Official Action dated **May 15, 2009** (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Request for Continued Examination:

Applicant hereby requests Continued Examination for this application and entry and consideration of this amendment consequent thereto.

Claim Status:

By the foregoing amendment, claims 1, 7, 14, and 15 have been amended. Claims 10-13 were previously cancelled without prejudice or disclaimer. The present paper proposes no additional changes to the claims. Thus, claims 1-9 and 14-18 are currently pending for further action.

Prior Art:

1. In the outstanding Office Action, Claims 1, 2, 4, 5, 9, 14 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 02039086 by Toshiro (“Toshiro”). For at least the following reasons, this rejection is respectfully traversed.

Claim 1:

Claim 1 now recites:

A colour display device comprising:
a first display substrate and a second display substrate, said substrates being spaced apart and opposed to each other;

a layer of an electro-optic material between the substrates;
 a set of first elongated electrodes on an inner surface of the first display substrate and a set of second elongated electrodes on an inner surface of the second display substrate, the first electrodes overlapping the second electrodes to define pixels for selectively applying an electric field across at least some of said electro-optic material, the first electrodes arranged substantially orthogonally relative to the second electrodes;

a set of first elongated colour filters on the first display substrate, each of said electrodes being in register with one of said first colour filters; and

a set of second elongated colour filters on the second display substrate, each of said second electrodes being in register with one of said second colour filters, *said set of first colour filters being arranged such that a length of said set of first colour filters is substantially orthogonal relative to a length of said set of second colour filters and each first colour filter overlaps at least two second color filters;*

in which the colour of light transmitted through a pixel is determined by the light transmitted by both the first colour filter and the second colour filter that intersect at that pixel.

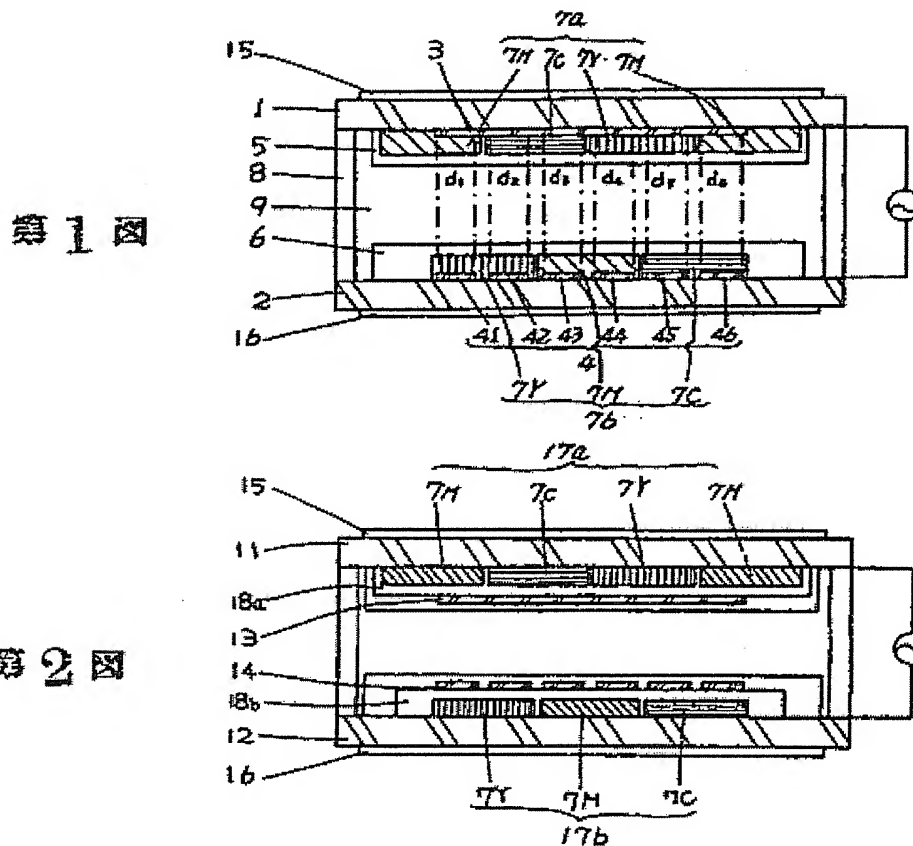
(Emphasis added).

Support for the amendment to claim 1 can be found in Applicant's original specification at, for example, p. 5, lines 8-12 and Fig. 24.

In contrast, Toshiro is directed to "an inexpensive screen printing method" in which "a liquid crystal material is pinched by color filters . . ., transparent electrodes and two transparent substrates." (Toshiro, abstract) (numbering omitted). Toshiro further teaches that "the color filter of the substrate of one side is overlapped with one part of the color filter in the different color of the other side to be faced." (*Id.*)

Toshiro does not anticipate claim 1 because it fails to "prove prior invention of the thing claimed" by failing to disclose "within the four corners of the document . . . all of the limitations arranged or combined in the same way as recited in the claim." *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). Specifically, Toshiro fails to teach or suggest "said set of first colour filters being arranged such that a length of said set of first colour filters is substantially orthogonal relative to a length of said set of second colour filters and each first colour filter overlaps at least two second color filters." (Claim 1).

For convenience, Figs. 1-2 of Toshiro have been reproduced below:



As shown above, Toshiro teaches control electrodes (3, 41, 42, 43, 44, 45, and 46 in Fig. 1; 13 and 14 in Fig. 2) that are disposed on opposing substrates orthogonally to each other. Nevertheless, Toshiro only teaches overlapping color filters (7M, 7C, 7Y) that are disposed *parallel* to each other. Again, Toshiro simply does not teach or suggest first and second sets of elongated color filters “such that a length of said set of first colour filters is substantially orthogonal relative to a length of said set of second colour filters.” (Claim 1).

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed.

Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Toshiro of claim 1 and its dependent claims should be reconsidered and withdrawn.

Claim 14:

Claim 14 now recites:

A colour display device comprising:
first and second spaced apart display substrates enclosing a layer of an electro-optic material, an inner surface of each substrate being provided with a plurality of elongate parallel electrodes and a plurality of elongate parallel colour filters, each filter being in register with an electrode;

wherein *the electrodes and colour filters on one of the inner surfaces are aligned substantially orthogonally to the electrodes and colour filters on the other inner surface, respectively, such that at least two adjacent first color filters of different colors intersect and overlap at least two adjacent second color filters within a single pixel*, so that the colour of light transmitted through a location where two colour filters overlap is determined by the light transmitted by both of the filters.

(Emphasis added).

Support for the amendment to claim 14 can be found in Applicant's original specification at, for example, pp. 5, 7-8, and Fig. 24.

In contrast, Toshiro does not anticipate claim 14. Specifically, as amply demonstrated above, Toshiro completely fails to teach or suggest "the electrodes and colour filters on one of the inner surfaces are aligned substantially orthogonally to the electrodes and colour filters on the other inner surface, respectively." (Claim 14).

Moreover, Toshiro also fails to teach or suggest that "at least two adjacent first color filters of different colors intersect and overlap at least two adjacent second color filters of different colors within a single pixel," as recited in claim 14. Rather, Toshiro merely teaches that individual pixels ($d_1 \dots d_6$) are formed by the overlap of a single color filter on one substrate and a single color filter on a second substrate. (See, Toshiro, Fig. 1).

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Toshiro of claim 14 and its dependent claims should be reconsidered and withdrawn.

2. Claims 3, 6-8 and 17 were rejected under 35 U.S.C. § 103(a) as being obvious over Toshiro, taken alone. This rejection is respectfully traversed for at least the same reasons given above in favor of the patentability of claim 1, from which claims 3, 6-8, and 17 depend. Consequently, for at least this reason, the rejection of claims 3, 6-8, and 17 should be reconsidered and withdrawn.

3. Claims 15 and 16 were also rejected under 35 U.S.C. § 103(a) as being obvious over Toshiro, taken alone. For at least the following reasons, this rejection is respectfully traversed.

Claim 15:

Claim 15 now recites:

A colour liquid crystal display device comprising:
first and second spaced apart display substrates enclosing a layer of a liquid crystal material, an inner surface of each substrate being provided with a plurality of elongate parallel electrodes each of which is in register with an elongate colour filter of substantially the same size and shape as the electrode with which it is registered and is provided on the same substrate;

the electrodes and colour filters on one of the inner surfaces being aligned substantially orthogonally to the electrodes and colour filters on the other inner

surface, respectively, so that the colour of light transmitted through a location where two colour filters overlap is determined by the light transmitted by both of the filters; the device including a backlight located adjacent to an outer surface of the second display substrate, and the colour filters on the second display substrate being reflective colour filters.

(Emphasis added).

Support for the amendment to claim 15 can be found in Applicant's original specification at, for example, p. 5, lines 8-12 and Fig. 24.

In contrast, Toshiro does not render claim 15 obvious. Specifically, as amply demonstrated above, Toshiro completely fails to teach or suggest "the electrodes and colour filters on one of the inner surfaces being aligned substantially orthogonally to the electrodes and colour filters on the other inner surface, respectively." (Claim 15).

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Toshiro of claim 14 and its dependent claims should be reconsidered and withdrawn.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. The Supreme Court has recently reaffirmed that the *Graham* factors "continue to define the inquiry that controls" obviousness rejections under § 103. *KSR Int'l v. Teleflex Inc.*, 550 U.S. 398 (2007). In the present case, the scope and content of the prior art, as evidenced by Toshiro, did not include the claimed subject matter, particularly "the electrodes and colour filters on one of the inner surfaces being aligned

substantially orthogonally to the electrodes and colour filters on the other inner surface, respectively.” (Claim 15).

The differences between the cited prior art and the indicated claims are significant because the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 15 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection of claim 15 and its dependent claim 16 based on Toshio should be reconsidered and withdrawn.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the

Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: August 17, 2009

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